

Frankfort Architectural Review Board

November 20, 2007

Members Present: Roger Stapleton  
John Downs  
Donald Perry  
Andy Casebier

Members Absent: Charles Booe

There being a quorum, the meeting proceeded.

The first item of business was approval of the October 16, 2007 minutes. Mr. Downs made a motion to approve the minutes. The motion was seconded by Mr. Perry and carried unanimously.

The next item of business was a request from R. Michael Claffy for a setback determination and Certificate of Appropriateness for the construction of an in-ground 12' x 24' swimming pool for the principal structure located at 410 Wapping Street, zoned "SH" Special Historic District.

Maya DeRosa, City Planning Supervisor was present for the staff report and she went over a slide presentation detailing the property. She stated that the property is a single family residence, that the pool would be located in the back yard with privacy walls on both sides, the pool would be approximately 82 feet to the rear property line and 13 feet on the side. Staff recommended approval of the Certificate of Appropriateness for the construction of a 12 foot by 24 foot in ground swimming pool. Staff also recommended approval of the following setbacks: 82 feet North and 13 feet West.

The applicant Michael Claffy of 410 Wapping Street was present and mentioned that page 5 of 5 of the staff report states there will be no above ground equipment, he explained that while there would be no ladders or slides above ground, there will be heating/filtering equipment above ground.

David White 203 Wilkinson Street was present he mentioned that he owns and lives in the neighboring property and that he has some concerns. He stated that he was concerned about 1) the placement of the equipment, worried that the A/C units may need to be moved in the future, and he doesn't want the equipment visible from to the public. He stated that he does not oppose the project but wants to be sure the concerns are addressed. Mr. Claffy replied to his concerns stating that they may need to move the A/C equipment in the future, but that he talked with a Heating/Cooling Vendor or explained that the sound level of new A/C units is quieter than that of voices talking. He also stated that he would be willing to plant shrubbery to block the view of the equipment.

Mr. Casebier made a motion to approve the Certificate of Appropriateness with condition number 1 there will be no above ground equipment related to the pool in the rear yard (per applicant letter); and 2) that evergreens be planted to block the view of equipment. The motion was seconded by Mr. Downs and carried unanimously.

Mr. Casebier made a motion to approve setbacks of 82 feet North and 13 feet West. The motion was seconded by Mr. Downs and carried unanimously.

The next item of business was a request from Tony Bischoff of Freedom Properties for a Conditional Use Permit to allow a blanket office space approval for future tenants for the principal structure located at 309 Shelby Street, zoned "SC" Special Capital District.

Maya DeRosa, City Planning Supervisor was present for the staff report and she went over a slide show detailing the project. She explained that the applicant's overall objective is to get a blanket approval so his tenants won't have to come in separately. She stated that staff recommends approval with conditions.

Mr. Tony Bischoff was present and stated that he hopes the board will approve his application because he loses tenants when he tells them they will have to come before the board for approval. He said with a blanket approval he would be able to rent the space immediately instead of losing their business because he is not able to accommodate them immediately.

Mr. Downs made a motion to approve the applicants request for a Conditional Use Permit with the following conditions: 1) the conditional use for an overall professional office use is permitted only at 309 Shelby Street; 2) the conditional use is granted only to Mr. Tony Bischoff and Freedom Properties of Kentucky; 3) existing and currently valid Conditional Use Permits for 309 Shelby issued prior to this request remain valid in accordance to any conditions for such, provided a change to professional office will not require additional review; 4) no retail sales shall be permitted at this location and future uses other than those classified as office may require a new Conditional Use Permit to be issued; 5) the conditional use is not transferable and any change in ownership will make this approval null and void; 6) that all signage meet the requirements of Article 13 Sign Regulations and Article 4.405 and a sign permit shall be issued prior to installation; 7) any change to the property that does not qualify for the issuance of a Certificate of No Exterior Effect will require the issuance of a Certificate of Appropriateness. The motion was seconded by Mr. Casebier and carried unanimously.

The next item of business was a request from Nuday, Inc. for a Certificate of Appropriateness to install vinyl replacement windows and add one additional window in the front gable for the principal structure located at 219 West Todd Street, zoned "SC" Special Capital District.

Maya DeRosa was present for the staff report and she stated that his application came before the board because a building inspector saw the work going on without a permit. She explained that the purpose today is to legalize the windows to vinyl and approve an additional window in the gable. Maya mentioned that all the

windows except for the one in the front will be replaced at the same size. She went over a slide presentation to describe what the front window originally looked like. She stated that staff recommends approval with conditions, the main condition involves the front façade staff request they replicate the original window, they also request that the color be brown or paint the trim to match.

The applicant Joseph Phillips was present and he stated that the bottoms of the original windows were rotten and he explained how the front window was original, then stated that he would like to leave that window as it is now then add a window to the front gable as well as replace the other windows. Mr. Casebier mentioned a concern with adding the window to the front gable.

After discussion, Mr. Perry made a motion to approve the Certificate of Appropriateness to replace the windows with the following conditions; 1) the sizes of the new windows (except front first floor) shall conform to the applicant's site plan dated October 15, 2007; 2) the windows in the first floor façade shall replicate the opening size (89"x54") and pattern of the original window-one fixed pane flanked by two, smaller one over one hung windows. All exterior finishes on the window shall match the trim on the existing building as noted in condition 1; 3) after the installation of the first floor front elevation window per Conditions #2, if any gaps around the windows remain, the stone should be re-applied to fill voids; and 4) any additional projects requiring a building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued. The motion was seconded by Mr. Casebier and carried unanimously.

The next item of business was a request from St. Clair Properties for a Certificate of Appropriateness to remove a portion of the rear addition and rebuild the rear façade for the principal structure located at 329 St. Clair Street, zoned "CB" Central Business District.

Maya DeRosa was present and stated that she received a Power of Attorney from Mr. Gray to allow Natalie Wilkerson to speak on behalf of St. Clair Properties. She stated that the applicant's intent is to rebuild what was previously destroyed by a fire. Ms. DeRosa stated that the demolition had no historic value. She explained that the new structure will be brick on the first floor façade and cement fiber board siding on the second and third floors. She stated that all windows will be single hung wood windows. Ms. DeRosa stated that staff recommends approval with three conditions.

The applicant Natalie Wilkerson was present on behalf of St. Clair Properties and stated that she had no further testimony.

Mr. Casebier made a motion to approve the Certificate of Appropriateness for 329 St. Clair Street with the following conditions; 1) all new constructions shall be as provided by the applicant and within this report; 2) any other exterior changes to the property that are not indicated within this report and that do not qualify for the issuance of a certificate of No Exterior Effect will require the issuance of a Certificate of Appropriateness; 3) the fiber cement boards are to be painted to a color compatible to

the surrounding properties. The motion was seconded by Mr. Downs and carried unanimously.

The next item of business was a request from Rebecca Ruth Candy, Inc. for 1) a Certificate of Appropriateness to allow the installation of a 306" x 58" awning and to allow signage placed not on transoms, windows or lintel; 2) a variance to Article 6.042 to allow the awning to project 7 feet rather than the allowed 5' from the building 3) a variance to Article 4, Section 4.248 Central Business District-Sign Regulations to allow an increase in the sign area on Broadway from 17.3 square feet to 106 square feet for the property located at 200 Broadway, zoned "CB" Central Business District.

Maya DeRosa was present and stated that this request is for a second downtown Frankfort location of Rebecca Ruth Candies. Specifically they are asking for a fascia sign above the second story windows approximately 63.75 square feet in size, an awning that will extend 7' from the brick of the building with a 42.25 square foot logo, and a sign on the Ann Street façade approximately 28 square feet in size. No signs on the windows, transom, or lintel are proposed. Ms. DeRosa explained that the code encourages awnings however they limit the extension to 5 feet, and mentioned that if the awning is approved to extend 7 feet, it will be the largest in downtown Frankfort. The Certificate of Appropriateness supports signage, provided they don't exceed the requirements. Ms. DeRosa explained they are allowed 17.325 square feet of signage, but propose 106 square feet, she then mentioned that a non-historic district would be permitted 31.5 square feet of signage. Staff had both positive and negative findings however they recommended approval of the Certificate of Appropriateness with conditions. Staff recommended denial of the variance request to allow a 7 foot projection for the awning. Concerning the Certificate of Appropriateness for the location of signage not on the transom, windows or lintel, staff recommended denial of the request and approval with conditions. Staff recommended approval with conditions on the variance for increase in Fascia Signage.

Charles Booe of Rebecca Ruth Candies was present and explained that he is in the candy making business and that he uses awnings to help block the sun. He stated that staff recommended a 5' the awning, but instead he wants the 7 foot awning measured from outer brick of the building. He stated the sidewalk in that area is 11 feet wide and a 7 foot awning would be 4 feet less wide than the sidewalk. He stated that while he definitely wants the 7 foot awning, he would be willing to reduce the height so that it is more appealing. He explained the signs he had proposed and stated that he was willing to work with the 31.5 total square feet of signage at or below the awning on the Broadway façade. He explained that he needs a sign on the Ann Street façade for deliveries and suggested a 2 square foot sign on or above the door. Mr. Booe mentioned that he has received several letters of support for the awning from the public.

After discussion, Mr. Casebier made a motion to approve the Certificate of Appropriateness for the awning with the following condition; 1) the permit for the awning shall be approved by the Public Works Department, prior to its installations; 2) the awning shall have a height not to exceed 3 feet; 3) the materials of the awning can

be vinyl. An engineer's certification may be required by Public Works. The motion was seconded by Mr. Perry and carried unanimously.

Mr. Casebier made a motion to approve the variance for the seven (7) foot awning projection, provided the height was lowered. The motion was seconded by Mr. Downs and carried unanimously.

Mr. Casebier made a motion to approve the Certificate of Appropriateness for signage locations as follows: 1) signage shall be allowed on a) awning; b) windows under the awning; and c) up to two square feet of signage is allowed on or near the rear door on Ann Street. No other signage on Ann Street elevation is proposed; 2) the existing building sign is to remain; 3) the awning and windows may have more than one sign, but the total of such signage shall not exceed the allowed square footage. The motion was seconded by Mr. Downs and carried unanimously.

Mr. Casebier made a motion to approve a variance for increase in fascia signage on the awning and windows below the awning, not to exceed 31.5 square feet with the following conditions; 1) the signage allowed on the awning (Broadway elevation) shall not exceed 31.5 square feet and 2) the existing building sign (Chas. Duvall 1955) shall not be counted as part of the total allowed square footage. The motion was seconded by Mr. Perry and carried unanimously.

Mr. Perry made a motion to adjourn. The motion was seconded by Mr. Downs and carried unanimously.